

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.162 of 2011

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1. Jwala Pd. Pandey son of late Bageshwari Pandey.
 2. Bharat Bhushan Desh Pandey, son of late Bageshwari Pandey.
 3. Kishori Devi Pandey, wife of late Bageshwari Pandey.
 4. Murli Manohar Joshi son of late Bageshwari Pandey.
 5. Lata Kumari Desh Pandey daughter of late Bageshwari Pandey all resident of Road No. 8, Shashtri Nagar west P.S. Rampur, District-Gaya.

.... Petitioner/s

Versus

1. The Union of India through defence Secretary, 101, South Block, New Delhi.
2. The Defence Secretary, 101, South Block, New Delhi.
3. The Commandant A.S.C. Centre North Pharpur Military, N.K. (Lance Nayak) P.S. mane, Vehicle Company 3, Training Battalion (M.T.A.S.C.) Centre North Paharpur Camp, Gaya, Driver of Truck Bearing registration No.185D 76148-H.

... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 18-03-2015

Heard the learned counsel for the parties.

Taking exceptions to the order dated 18.05.2011 passed by the Motor Accident Claim Tribunal (The Court of the Additional District and Sessions Judge, 1st Gaya) dismissing the Misc. Case No. 05 of 2007, the petitioners have preferred this revision application.

The facts are admitted that in the year 1992, the



petitioners filed M.C.A.T. No. 70 of 1992 before the Motor Vehicle Accident Claim Tribunal, Gaya. This claim case was, however, dismissed for default by order dated 05.04.1994 as the petitioners repeatedly did not appear before the court. Thereafter, the petitioners filed Misc. Case No. 01 of 2002 praying for restoration of the aforesaid claim case. By the impugned order dated 18.05.2011, the said Misc. Case No. 01 of 2002 was also dismissed.

After considering the facts and circumstances of the case and the submissions on behalf of the parties, it is limpid that there has been inordinate delay of nearly eight years in filing the petition for restoration. The only explanation furnished by the petitioners in this regard was that their counsel did not inform them about the dismissal of the claim case. However, from the perusal of the impugned order, it transpires that the petitioners did not lead cogent evidence to support the case as made out by them in their petition inasmuch as, the learned counsel, who was representing the petitioners in claim case, has not been examined.

At this juncture, the learned counsel for the opposite parties has submitted that the petitioner no. 3 has already filing another claim case.

Be that as it may, this Court does not find any error of jurisdiction or material irregularity in the impugned order passed by

the learned court below.

This revision application is, accordingly, dismissed.

Devendra/-

(V. Nath, J)

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